

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

STEVEN L. WOOD,

Case No.: 3:23-cv-00356-ART-CSD

Plaintiff

Order

V.

Re: ECF No. 1

WASHOE COUNTY DETENTION
FACILITY, SHERIFF,

Defendant

Plaintiff is an inmate in the custody of the Washoe County Detention Facility (WCDF).

10 On July 14, 2023, he filed an application to proceed *in forma pauperis* for an inmate. (ECF No.
11 1.)

The Local Rules of Practice for the District of Nevada provide: "Any person who is to prepay the fees in a civil case may apply to the court for authority to proceed *in forma pauperis* (IFP). The application must be made on the form provided by the court and must be a financial affidavit disclosing the applicant's income, assets, and liabilities." LSR 1-1

16 When a prisoner seeks to proceed without prepaying the filing fee, in addition to filing the
17 affidavit, the prisoner is required to submit a certified copy of the trust fund account statement
18 (or institutional equivalent) for the six-month period immediately preceding the filing of the
19 complaint. The statement must be obtained from the appropriate official at the prison or
20 detention facility where the prisoner is or was confined. 28 U.S.C. § 1915(a)(2).

When a prisoner brings a civil action IFP, the prisoner is still required to pay the full amount of the filing fee. The court is required to assess, and when funds exist, collect an initial partial payment of 20 percent of the greater of: (A) the average monthly deposits in the

1 prisoner's account or (B) the average monthly balance in the prisoner's account for the six-
2 month period immediately preceding the filing of the complaint. Thereafter, whenever the
3 prisoner's account exceeds \$10, the prisoner must make monthly payments of 20 percent of the
4 preceding month's income credited to the prisoners account until the filing fees are paid. The
5 funds are to be forwarded by the agency having custody of the prisoner. 28 U.S.C. § 1915(b)(1),
6 (2).

7 The regular filing fee is \$402, consisting of the \$350 filing fee and a \$52 administrative
8 fee. If an inmate does not qualify for IFP status, he must pay the full \$402 filing fee. If the
9 inmate qualifies for IFP status, the \$52 administrative fee is waived, and the inmate will only pay
10 the \$350 filing fee over time.

11 While Plaintiff submitted the IFP application on the form for an inmate, he did not sign
12 the financial affidavit under penalty of perjury. In addition, he did not submit a certified copy of
13 his trust fund account statement (or institutional equivalent).

14 Finally, and importantly, his IFP application was not accompanied by a complaint.

15 The Clerk shall **SEND** Plaintiff a copy of the instructions and application to proceed IFP
16 for an inmate as well as the form section 1983 civil rights complaint for an inmate. Plaintiff has
17 **30 days** from the date of this Order to either file his completed IFP application and financial
18 certificate or pay the full \$402 filing fee, and to file his complaint.

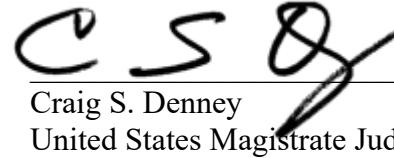
19 Once Plaintiff has filed his completed IFP application and financial certificate or paid the
20 filing fee and filed his complaint, the court will screen the complaint pursuant to 28 U.S.C. §
21 1915(e)(2)(B) or 28 U.S.C. § 1915A, or both. Both require dismissal of a complaint, or any
22 portion thereof, that is frivolous or malicious, fails to state a claim upon which relief may be
23 granted, or seeks monetary relief against a defendant who is immune from such relief. If the

1 complaint is dismissed on screening, there will be no refund of the filing fee, and an inmate
2 proceeding IFP is still required to pay the \$350 filing fee over time.

3 If Plaintiff fails to timely file a completed IFP application and financial certificate or pay
4 the filing fee as well as file his complaint, the court will recommend dismissal of this action.

5 **IT IS SO ORDERED.**

6 Dated: August 9, 2023


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8 Craig S. Denney
United States Magistrate Judge

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